

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PAUL J. SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. Action No. 07-477-GMS
	)	
REGIONAL MEDICAL FIRST	)	
CORRECTIONAL, et. al.,	)	
	)	
Defendants.	)	

**ORDER**

WHEREAS, Paul J. Smith ("Smith"), was a prisoner incarcerated at the Delaware Correctional Center, Smyrna, Wilmington, Delaware, at the time he filed this 42 U.S.C. § 1983 lawsuit, along with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915;

WHEREAS, on August 9, 2007, the court entered an order and granted Smith leave to proceed *in forma pauperis*, and assessed a filing fee of \$350, and an initial partial filing fee of \$.43 (D.I. 4);

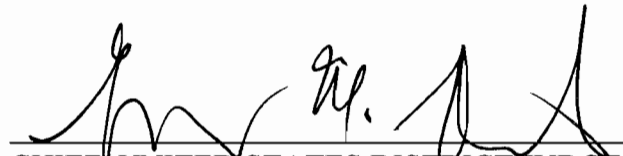
WHEREAS, on November 13, 2007, Smith advised the court that he had been released from prison;

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. *Robbins v. Switzer*, 104 F.3d 895, 899 (7<sup>th</sup> Cir. 1997); *see also Drayer v. Attorney General*, Nos. 03-2517, 03-2518, 81 Fed. Appx. 429 (3d Cir. 2003).

THEREFORE, at Wilmington this 17<sup>th</sup> day of December, 2007, IT IS HEREBY ORDERED that within thirty days from the date of this order, Smith shall either pay the filing fee

owed (\$350.00) **or** submit a new standard form application to proceed without prepayment of fees and affidavit so that the court may determine whether he is still eligible to proceed *in forma pauperis*.

**NOTE: Failure to timely comply with this order shall result in dismissal of this case without prejudice.**

  
CHIEF, UNITED STATES DISTRICT JUDGE

